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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,121	04/01/2004	Egan Schulz	P3146US1 (60108-0094)	8492
46258 7590 12/21/2007 HICKMAN PALERMO TROUNG & BECKER LLP AND APPLE INC. 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110-1083			EXAMINER STOFFREGEN, JOEL	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 12/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/816,121

**Applicant(s)**

SCHULZ, EGAN

**Examiner**

Joel Stoffregen

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Response to Amendment***

2. This communication is in response to applicant's amendment dated October 16, 2007. The applicant amended claims 1, 12, 14-17, 20, 31, 33-36, and 39-49, and added new claims 50-52. Claims 1-52 are currently pending in this application. The previous objection to the drawings has been withdrawn because the applicant amended the corresponding figures. The previous rejection of claims 39-49 under 35 USC 101 has been withdrawn because the applicant amended the corresponding claims.

#### ***Response to Arguments***

3. Applicant's arguments filed October 16, 2007 have been fully considered but they are not persuasive.

The applicant argued that Pro Tools does not teach "obtaining input to the timeline component" (see p. 16. of applicant's remarks). The examiner respectfully disagrees. The timeline component and waveform component of Pro Tools are linked (see Pro Tools, p. 209, "with the Edit and Timeline selections linked, any edit selections that are made are mirrored in the Timeline"). Therefore, an input to the waveform component is also an input to the timeline component.

Applicant's additional arguments with respect to the claim amendments have been considered but are moot in view of the new ground(s) of rejection (see below).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 1, 20, 39, and 50-52** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **claims 1, 20, and 39**, applicant has not pointed out where the amended claims are supported, nor does there appear to be a written description of the claim limitation "obtaining said input occurs at a time in which no selection overlay exists" in the application as filed.

Regarding **claims 50-52**, applicant has not pointed out where the new claims are supported, nor does there appear to be a written description of the claim limitation "does not display any component for selecting a mode for generating the selection overlay" in the application as filed.

***Claim Rejections - 35 USC § 102***

6. **Claims 1-11, 20-30, and 40-52** are rejected under 35 U.S.C. 102(a) as being anticipated by Digidesign Pro Tools Reference Guide ("PRO TOOLS").

7. Regarding **claim 1**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points);

generating a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted);

wherein generating said selection overlay is performed in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

wherein obtaining said input to said timeline component occurs at a time in which no selection overlay exists on either said timeline component or said waveform component (see p. 215, the selected track material is inherently not highlighted prior to being selected).

8. Regarding **claim 2**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

9. Regarding **claim 3**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

10. Regarding **claim 4**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

11. Regarding **claim 5**, PRO TOOLS further teaches:

generating a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

12. Regarding **claim 6**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

13. Regarding **claim 7**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

14. Regarding **claim 8**, PRO TOOLS further teaches:

performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

15. Regarding **claim 9**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

16. Regarding **claim 10**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

17. Regarding **claim 11**, PRO TOOLS further teaches that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

18. Regarding **claim 20**, PRO TOOLS teaches graphical user interface for manipulating at least one audio comprising:

a first element displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the top bar shows time points);



a second element displaying a waveform component that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

a third element for obtaining user input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points);

a fourth element indicating a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted);

wherein the fourth element indicates said selection overlay in response to the third element obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

wherein the third element obtains said input at a time in which no selection overlay exists on either said timeline component or said waveform component (see p. 215, the selected track material is inherently not highlighted prior to being selected).

19. Regarding **claim 21**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).
20. Regarding **claim 22**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).
21. Regarding **claim 23**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).
22. Regarding **claim 24**, PRO TOOLS further teaches:  
a fifth element providing a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

23. Regarding **claim 25**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the down arrow in the top bar indicates the start point).

24. Regarding **claim 26**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the up arrow in the top bar indicates the end point).

25. Regarding **claim 27**, PRO TOOLS further teaches:  
means for performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

26. Regarding **claim 28**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

27. Regarding **claim 29**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p.

215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

28. Regarding **claim 30**, PRO TOOLS further teaches that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

29. Regarding **claim 39**, PRO TOOLS teaches a computer-readable storage medium ("on Macintosh or Windows", title page) storing computer readable program code for manipulating at least one audio file via a graphical user interface, said computer readable program code comprising computer program code configured to cause a computer to:

display a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

display a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtain input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to

select the material for the new region or regions”, p. 215, see also figure labeled “Dragging later in track with Separation Grabber”, the two arrows on the top bar identify the two time points);

generate a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the waveform in the selected region is highlighted);

wherein said selection overlay is generated in response to obtaining said input (see p. 200, “when you make a selection, it appears as a highlighted area of the track”); and

wherein said input to said timeline component is obtained at a time in which no selection overlay exists on either an area of said timeline component or an area of said waveform component (see p. 215, the selected track material is inherently not highlighted prior to being selected).

30. Regarding **claim 40**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to display a data amplitude of said at least one audio file (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the waveform is a well-known amplitude vs time plot of an audio signal).

31. Regarding **claim 41**, PRO TOOLS further teaches that said computer program code configured to cause said computer to generate said selection overlay further comprises computer program code configured to cause said computer to highlight said selection overlay (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the waveform in the selected region is highlighted).

32. Regarding **claim 42**, PRO TOOLS further teaches that said computer program code configured to cause said computer to obtain input to said timeline component further comprises computer program code configured to cause said computer to represent intervals of time (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the top bar shows an interval of time points).

33. Regarding **claim 43**, PRO TOOLS further teaches:

computer program code configured to cause said computer to generate a visual representation of said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

34. Regarding **claim 44**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to indicate a start

point of said selection overlay (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the down arrow in the top bar indicates the start point).

35. Regarding **claim 45**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform further comprises computer program code configured to cause said computer to indicate an end point of said selection overlay (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the up arrow in the top bar indicates the end point).

36. Regarding **claim 46**, PRO TOOLS further teaches:

computer program code configured to cause said computer to perform at least one special function with respect to said area of said audio file associated with said selection overlay (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

37. Regarding **claim 47**, PRO TOOLS further teaches that said at least one special function comprises copying data associated with said selection overlay (see p. 215, figure labeled “Dragging to another track with Separation Grabber”, the highlighted selection is copied to another timeline).

38. Regarding **claim 48**, PRO TOOLS further teaches that said computer program code configured to cause said computer to perform said at least one special function

further comprises computer program code configured to cause said computer to generate a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

39. Regarding **claim 49**, PRO TOOLS further teaches that said new instance further comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

40. Regarding **claim 50**, PRO TOOLS further teaches that said graphical user interface displays said timeline component and said waveform component but does not display any component for selecting a mode for generating the selection overlay (see p. 21, The Edit Window, "you can choose to display all of these items, or some of them").

41. Regarding **claim 51**, PRO TOOLS further teaches that said graphical user interface displays said timeline component and said waveform component but does not display any component for selecting a mode for generating the selection overlay (see p. 21, The Edit Window, "you can choose to display all of these items, or some of them").



42. Regarding **claim 52**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said timeline component and said waveform component further comprises computer program code configured to cause said computer to not display any component for selecting a mode for generating the selection overlay (see p. 21, The Edit Window, "you can choose to display all of these items, or some of them").

***Claim Rejections - 35 USC § 103***

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

44. **Claims 12-19 and 31-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Digidesign Pro Tools Reference Guide ("PRO TOOLS") in view of Reason Operation Manual Version 2.0 ("REASON").

45. Regarding **claim 12**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a first waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled “Dragging later in track with Separation Grabber”, the waveform is of an audio file);

displaying a plurality graphical adjustable elements wherein each graphically adjustable element visually represents a distinct parameter component of said audio file over said duration (see p. 392, figures labeled “Track volume automation” and “Track Pan automation”);

obtaining an adjustment input on a selected graphical adjustable element representing a particular parameter component (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation);

modifying said particular parameter component in said audio file in accordance with said adjustment input on said selected graphical adjustable element (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

However, PRO TOOLS does not disclose that plurality of graphical adjustable elements is displayed concurrently.

In the same field of audio editing, REASON teaches concurrently displaying a plurality graphical adjustable elements (see p. 26, figure labeled “The Controller...”, three automation tracks are displayed at once).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify PRO TOOLS to display more than one automation track, as taught by REASON, in order to more efficiently control the automation.

46. Regarding **claim 13**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

47. Regarding **claim 14**, PRO TOOLS further teaches that said selected graphical adjustable element is a line (see p. 392, figures labeled "Track volume automation" and "Track Pan automation").

48. Regarding **claim 15**, PRO TOOLS further teaches that said particular parameter component is volume of said audio file during playback ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation).

49. Regarding **claim 16**, PRO TOOLS further teaches that said particular parameter component is pan level of said audio file during playback ("drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

50. Regarding **claim 17**, PRO TOOLS further teaches that said adjustment input comprises using an input device to click on a first point on said selected graphical adjustable element and dragging said first point to a desired adjustment level (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

51. Regarding **claim 18**, PRO TOOLS further teaches that said desired adjustment level is a second point above said first point (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

52. Regarding **claim 19**, PRO TOOLS further teaches that said desired adjustment level is a second point below said first point (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

53. Regarding **claim 31**, PRO TOOLS teaches a graphical user interface for manipulating at least one audio file comprising:

a first element displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

a second element displaying a first waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

a third element displaying a plurality of graphical adjustable elements wherein each graphical adjustable element visually represents a distinct parameter component of said audio file over said duration (see p. 392, figures labeled "Track volume automation" and "Track Pan automation");

a fourth element for obtaining an adjustment input on a selected graphical adjustable element representing a particular parameter component, wherein said particular parameter component in said audio file is modified in accordance with said adjustment input on said selected graphical adjustable element ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation, also see "drag a breakpoint down to pan right, and up to pan left", p. 392, section titled Editing Pan Automation).

However, PRO TOOLS does not disclose that plurality of graphical adjustable elements is displayed concurrently.

In the same field of audio editing, REASON teaches concurrently displaying a plurality graphical adjustable elements (see p. 26, figure labeled "The Controller...", three automation tracks are displayed at once).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify PRO TOOLS to display more than one automation track, as taught by REASON, in order to more efficiently control the automation.

54. Regarding **claim 32**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

55. Regarding **claim 33**, PRO TOOLS further teaches that said selected graphical adjustable element is a line (see p. 392, figures labeled "Track volume automation" and "Track Pan automation").

56. Regarding **claim 34**, PRO TOOLS further teaches that said particular parameter component is volume of said audio file during playback ("drag a breakpoint up or down to change the volume", p. 392, section titled Editing Volume Automation).

57. Regarding **claim 35**, PRO TOOLS further teaches that said particular parameter component is pan level of said audio file during playback (“drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

58. Regarding **claim 36**, PRO TOOLS further teaches that said adjustment input comprises using an input device to click on a first point on said selected graphical adjustable element and dragging said first point to a desired adjustment level (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

59. Regarding **claim 37**, PRO TOOLS further teaches that said desired adjustment level is a second point above said first point (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

60. Regarding **claim 38**, PRO TOOLS further teaches that said desired adjustment level is a second point below said first point (“drag a breakpoint up or down to change the volume”, p. 392, section titled Editing Volume Automation, also see “drag a breakpoint down to pan right, and up to pan left”, p. 392, section titled Editing Pan Automation).

***Conclusion***

61. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel Stoffregen whose telephone number is (571) 270-1454. The examiner can normally be reached on Monday - Friday, 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
PATRICK N. EDOUARD  
SUPERVISORY PATENT EXAMINER